

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**KRISTY DOBBS,**

**Plaintiff,**

**v.**

**1:22-CV-1226  
(TJM/DJS)**

**CITIZENS BANK,**

**Defendant.**

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**THOMAS J. McAVOY,  
Senior United States District Judge**

**DECISION and ORDER**

**I. INTRODUCTION**

Plaintiff Kristy Dobbs filed this action *pro se* alleging that Defendant Citizens Bank violated her rights by withdrawing money from her account. See Compl., Dkt. No 1. This matter came before the Hon. Daniel J. Stewart, United States Magistrate Judge, for an initial review and Report-Recommendation pursuant to 28 U.S.C. §§ 1915 and 636(b). Judge Stewart recommended that the Complaint be dismissed but that Plaintiff be granted leave to replead. See December 7, 2022 Report-Recommendation and Order, Dkt. No. 5. Over Plaintiff's objection, the Court adopted Judge Stewart's recommendations. See December 28, 2022 Decision and Order, Dkt. No. 7.

Plaintiff filed an Amended Complaint using a form 42 U.S.C. §1983 complaint, again alleging that money was withdrawn from her account at Citizens Bank without her permission. See Dkt. No. 8. Judge Stewart conducted an initial review of the Amended Complaint under 28 U.S.C. § 1915(e). See February 7, 2023 Report-Recommendation

and Order, Dkt. No. 9. He recommends that the Amended Complaint be dismissed with prejudice because Plaintiff: fails to make any allegations establishing that Citizen Bank engaged in state action; fails to identify what federal statute or right she alleges was violated; and, despite being given an opportunity to amend, fails to correct the pleading deficiencies resulting in dismissal of the Complaint, leading Judge Stewart to conclude that granting leave to amend a second time would not induce Plaintiff to add the kind of allegations needed to establish a facially-plausible claim. See Dkt. No. 9 at 1-4. Plaintiff filed no objections to the February 7, 2023 Report-Recommendation and Order, and her time to do so has passed.

## **II. DISCUSSION**

After examining the record, this Court has determined that the February 7, 2023 Report-Recommendation and Order is not subject to attack for plain error or manifest injustice.

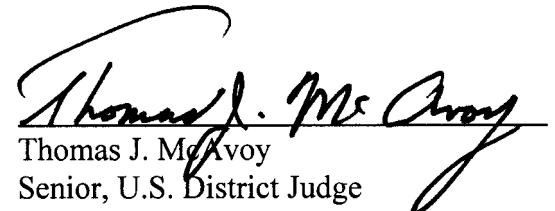
## **III. CONCLUSION**

Accordingly, the Court **ACCEPTS** and **ADOPTS** the February 7, 2023 Report-Recommendation and Order (Dkt. No. 9) for the reasons stated therein. It is therefore **ORDERED** that the Amended Complaint (Dkt. No. 8) is **DISMISSED WITH PREJUDICE**.

The Clerk of the Court is directed to close the file in this matter.

**IT IS SO ORDERED.**

Dated: June 8, 2023



Thomas J. McAvoy  
Senior, U.S. District Judge